

**STATE HUMAN RIGHTS COMMITTEE
MEETING MINUTES**

DMHMRSAS
Central Office
1220 Bank Street
Commissioner's Board Room
Richmond, Virginia, 23219
Friday, January 23, 2004

ADVOCATE FORUM
9:00 a.m.

ADVOCATES PRESENT

James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Musa Ansari, Regional Human Rights Advocate, Region II
Mark Seymour, CORE Human Rights Advocate, Regions I & II
Michael Curseen, Patient Advocate, Central State Hospital
Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center
Tonya Cunningham, Facility Human Rights Advocate, CSH Forensics

COMMITTEE MEMBERS PRESENT

R. Michael Marsh, Vice-Chair
Delores Archer
Angela Brosnan
Barbara Jenkins
Carmen Thompson
Bobby Tuck
Davey Zellmer

OTHER STAFF PRESENT

Margaret S. Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary

Dr. Michael Marsh, Vice-Chair, opened the Advocate Forum. Margaret Walsh, Human Rights Director, introduced two new staff members of the human rights office. Mark Seymour, has been hired to handle the CORE programs in

Regions I and II (central and northwest Virginia). Musa Ansari, is the new Regional Human Rights Advocate for Region II (Northern Virginia).

James O. Bowser, Jr., Regional Human Rights Advocate, Region IV, announced that new programs are applying for licensure. If a new bill passes for additional funding during this General Assembly, the department can expect more applications for funding to open new programs. As new programs are established, the human rights system will have more LHRCs to support.

Ms. Walsh presented the March 31, 2004 LHRC/SHRC seminar announcement and draft agenda. The human rights office polled LHRC members across the state to determine what topics to cover during the seminar. The overwhelming response was to focus on roles and functions of Local Human Rights Committees.

The Human Rights Monitoring Instrument was piloted in June of 2003, and is under revision to more closely reflect the department's initiatives. Information gathered during human rights monitoring visits and inspections conducted by the office of licensing is used to determine each program's fitness to obtain funding. Results will include commendations for exemplary services delivery. Bobby Tuck suggested communicating with other agencies for ideas of how to reward exemplary performance.

The minutes of the October 28, 2003 Time Out Workgroup meeting were provided to the SHRC. The goal of the workgroup is to draft clinically sound, clear, and consistent guidelines on the use of time out for all providers of services. Once developed, draft guidelines will be submitted to the SHRC for review and suggestions.

The human rights office has polled LHRCs, facilities, CSBs, advocacy groups and private providers across the state for input regarding revision of the human rights brochure. A workgroup will review the responses and draft a revised brochure.

Ms. Walsh briefed the SHRC on current activities within the department and on relative bills under review in the General Assembly. Julie Stanley, Assistant Commissioner for Administrative and Regulatory Compliance, has been appointed to head the Olmstead Committee.

Bobby Tuck inquired about timelines for conducting LHRC hearings and voiced his concern about the timely review of consumer issues.

REGULAR MEETING
10:15 a.m.

COMMITTEE MEMBERS PRESENT:

R. Michael Marsh, Vice-Chair
Delores Archer
Angela Brosnan
Barbara Jenkins
Carmen Thompson
Bobby Tuck
Davey Zellmer

STAFF PRESENT:

Margaret S. Walsh, State Human Rights Director
Kli Kinzie, Executive Secretary
James O. Bowser, Jr., Regional Human Rights Advocate, Region IV
Musa Ansari, Regional Human Rights Advocate, Region II
Mark Seymour, CORE Human Rights Advocate, Regions I & II
Michael Curseen, Patient Advocate, Central State Hospital
Beverly W. Garnes, Patient Advocate, Southside Virginia Training Center
Tonya Cunningham, Facility Human Rights Advocate, CSH Forensics
Randy Urgo, Facility Human Rights Advocate, WSH

OTHERS PRESENT:

Dana M. Johnson, Assistant Attorney General
Frank Tetrick, Assistant Commissioner, Community Services, DMHMRSAS
R.P., Complainant, Western State Hospital (WSH)
Dr. Carol Shannon, Unit Head of Treatment Team, WSH
Kathy Belcher, Human Rights Liaison and Director of Quality Management, WSH

CALL TO ORDER:

The January 23, 2004, meeting of the State Human Rights Committee was called to order by R. Michael Marsh, M.D., Vice-Chair. Dr. Marsh lead the members in introducing themselves. Advocates and staff of the Office of Human Rights introduced themselves.

MINUTES:

The minutes of the December 5, 2003 State Human Rights Committee meeting were unanimously approved.

REVIEWS/APPEALS:

This matter came before the State Human Rights Committee on appeal of a decision of the Western State Hospital (WSH) Local Human Rights Committee. R.P. presented the case on his own behalf, with the assistance of Randy Urgo, Human Rights Advocate. Western State Hospital was represented by Dr. Carol Shannon, Head of Treatment Team, and Kathy Belcher, Director of Quality Management. SHRC members present were Dr. Michael Marsh, Davey Zellmer, Dr. Angela Brosnan, Barbara Jenkins, J.D., Delores Archer, MSW, Carmen Thompson, and Bobby Tuck. At R.P.'s request the hearing was held in open session.

R.P. disagrees with the WSH LHRC 's finding that there was no violation of his right to correct his record as specified in 12 VAC 35-115-90, (B) (6) Access to and correction of service records, of the *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation and Substance Abuse Services*.

R.P. requests that the case be remanded to the WSH LHRC with instructions to recommend that the facility appoint someone to complete a written summary of his records that includes all those items presented to the LHRC on R.P. Exhibit #1.

The motion was made and passed by a vote of 5 to 2 to uphold the finding of the WSH Local Human Rights Committee of no violation of 12 VAC 35-115-90 (B) (6), access and correction to services records. The SHRC finds that the evidence does not support the allegation that WSH violated R.P.'s right to submit correction to his services record. Further, the SHRC does not find that 12 VAC 35-115-90 (B) (6) requires WSH to provide a comprehensive summary of all the items listed on R.P. Exhibit #1.

The SHRC commends the Western State Hospital LHRC for its efforts regarding this case and accepts and supports each of the LHRC recommendations as listed in the LHRC decision.

The SHRC makes the following additional recommendation: Western State Hospital shall provide R.P. access to his records in accordance with 12 VAC 35-115-90. R.P. may review his record to investigate the allegations and concerns listed in R.P. Exhibit #1. If specific information about potential rights violations is identified, further investigation will commence. Western State Hospital shall submit a plan that provides for R.P. to have ongoing and reasonable access to his record. The plan shall be developed in collaboration with R.P. and shall be reported to the WSH LHRC with a copy to the SHRC.

LHRC MEMBERSHIP:

The motion was made and passed that the State Human Rights Committee go into closed session pursuant to Virginia Code § 2.2-3711 for the purpose considering appointments to Local Human Rights Committees.

Upon reconvening in open session, the State Human Rights Committee unanimously certified that to the best of each member's knowledge, only public business matters lawfully exempt from statutory open meeting requirements, and only public business matters identified in the motion to convene the Executive Session were discussed in the Executive Session.

The motion was made and unanimously passed to appoint the following applicants to their respective Local Human Rights Committees.

Blue Ridge Behavioral Healthcare

Appoint:

Rebecca Baker

Newport News Regional

Appoint:

Joyce K. O'Brien

Hanover County

Appoint:

Ada Hammer

The SHRC recommends that Beth Gill seek appointment on a committee other than Hanover County LHRC.

Status Reports:

Margaret Walsh asked the committee to review Commissioner Reinhard's submission of the Discharge Rate by Barriers quarterly report.

Ms. Walsh introduced the SHRC to Frank Tetrick, newly appointed Assistant Commissioner of Community Services for DMHMRSAS. Mr. Tetrick addressed the committee on the treatment of individuals with the dual diagnoses of MR/MH and SA/MH. In his new position, Mr. Tetrick is promoting an organizational structure that supports collaboration between various components of the services delivery system. His office will help to get providers ready to accommodate consumers as they are released or moved from facilities. In the new model of a community based system of care, the department will focus on accountability of providers, and support of their success.

Having no further business to discuss, the motion was made and passed to adjourn the meeting.

Respectfully submitted,

R. Michael Marsh, M.D., Vice-Chair
State Human Rights Committee